

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

CHRISTOPHER LEE RILEY, *et al.*,

Plaintiffs,

v.

AVERY HALLIBURTON, *et al.*,

Defendants.

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Case No. 2:23-cv-163

Judge Atchley

Magistrate Judge Wyrick

ORDER

On January 3, 2024, United States Magistrate Judge Cynthia R. Wyrick filed a Report and Recommendation [Doc. 4] pursuant to 28 U.S.C. § 636 and the Rules of this Court. Magistrate Judge Wyrick recommended that Plaintiff’s Motion for Leave to Proceed *in forma pauperis* [Doc. 1] be denied and that Belinda Riley be removed as a plaintiff in this action. [Doc. 4 at 5]. Magistrate Judge Wyrick screened the Complaint pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915, and found that Plaintiff’s Complaint failed to allege sufficient facts to state a claim for relief. [*Id.* at 4]. Magistrate Judge Wyrick further found that Plaintiff failed to adequately allege that the Court has federal question or diversity jurisdiction over his claims. [*Id.* at 5]. Based on these findings, Magistrate Judge Wyrick recommends that Plaintiff’s Complaint [Doc. 2] be dismissed without prejudice. [Doc. 4 at 5].

Plaintiff has not filed an objection to the Report and Recommendation, and the time to do so has now passed.¹ The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Wyrick’s conclusions.

¹ Magistrate Judge Wyrick advised that the parties had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 4 at 6 n.2]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Wyrick's findings of fact and conclusions of law as set forth in the Report and Recommendation. [Doc. 4]. Thus, Plaintiff's Motion for Leave to Proceed *in forma pauperis* [Doc. 1] is **DENIED**, and the action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE

district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").